

Do not make citizens choose between their civil liberties or mental health. **OPPOSE** Raised House Bill 6355 An Act Concerning Risk Protection Orders or Warrants.

Restricting access to a constitutional right is serious business. In situations where lawful property of a CT resident is subject to surrender or confiscation, it is important there is a serious legal process, based on facts, to determine unsuitability of an individual to possess firearms. The current process is working, and was designed by the legislature to provide a reasonable review before seizing lawfully owned personal property (firearms in this case).

Some advocates say that family members know best, and do not feel comfortable going through the legal system, or going to police. That may be unsubstantiated opinion, but if there are problems the legislature should instead address any problems with those bureaucracies. The solution is not to reduce the bar required for issuance of risk warrants. In fact, the proposed legislation would increase risk in police enforcement of these warrants, and cause unnecessary tension between police departments and the communities they serve.

The suggestion to expand the persons who may be complainants for the purpose of issuing a risk warrant is not reasonable. Enacting this into law will lower the standards to file a claim that has serious legal consequences. There is a high likelihood. Yet nowhere does the proposed bill address penalty for making false claims, and perjury is not aggressively prosecuted in CT. Passage of the proposed bill will result in misleading claims, with no likely consequence for filing unsubstantiated claims.

The proposed bill shifts to the defendant the requirement to prove innocence, rather than the requirement the accuser prove guilt. This is unconstitutional.

Why remove ability to transfer personal property to anyone other than police or FFL? There is not a problem with provisions in the current law for transferring personal property. This new requirement would be burdensome to FFL businesses and police departments.

Full restoration of rights and return of property is already difficult. We hear about the need to reform the criminal justice system. This proposed bill heads in the other direction, making even the presumption that someone may be a future risk a justifiable reason to permanently remove a constitutionally guaranteed right. When rights which should be legally protected are denied, there should be reasonable provision to restore those rights. The proposed changes appear to seek to make restoration of rights so onerous that they are practically impossible. The current law has a very high bar for restoration. There is not a ongoing problem that requires raising the bar further.

In CT there has significant effort to reduce unnecessary burdens to the free exercise of voting rights commonly enjoyed by US citizens. Yet some members of the same legislative body are advocating to add further restrictions to the right of lawful citizens to possess the means to defend themselves. It is unfortunate that the efforts to protect constitutional rights and ensure equal access should be done uniformly. Laws either protect the rights of citizens, or restrict them. This proposal is clearly a restriction and should be unanimously rejected in committee. There is not a loophole in existing law that is being taken advantage of that requires a legislative solution.

Sincerely,
Joseph Sanders
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